

**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION
STATE COUNCIL MEETING MINUTES
August 16, 2011
11:00 AM to 12:00 PM (CST)
TELECONFERENCE**

PRESENT: Chairperson Joni Cutler, State Senator; Brian Zeeb, Division of Criminal Investigation; Krista Heeren-Graber, Victims Advocate; Mark Barnett, Circuit Judge, Sixth Circuit Court; Ed Ligtenberg, Executive Director of the Board of Pardons and Paroles; Nancy Allard, Director of Trial Court Services.

ABSENT: Denny Kaemingk, Secretary of SD Department of Corrections.

OTHERS IN ATTENDANCE: David Geffre, Deputy Compact Administrator for Parole; John Hult, Sioux Falls Argus Leader; Becky Barringer, Masters in Social Work Intern for Senator Cutler; Christina Early, Masters in Social Work Intern for Senator Cutler; Cheryl Frost, Interstate Compact Coordinator for Probation (Recorder).

Due to technical problems with the teleconference hook-up, the State Council Meeting did not commence until 11:30 a.m.

REVIEW/APPROVE NOVEMBER 2010 MINUTES

Motion was made by Ed to approve the November 2010 minutes with no corrections or additions. Motion was seconded by Nancy.

REVIEW JUNE 22, 2011 MIDWEST REGION MEETING

Ed advised the minutes have not yet been published; discussion was the possible changes to the rules at the upcoming ICAOS Annual Business Meeting.

REVIEW 2011 PROPOSALS TO CREATE/AMEND ICAOS RULES

Prior to discussion on proposed rule changes, Ed gave an overview of his job as the ICAOS Commissioner for the state of South Dakota and as such, he carries the vote for South Dakota for proposed rule changes at the ICAOS Annual Business Meeting.

The State Council discussed the following proposed rule changes (see attached 2011 Rule Changes document for explanation of the specific changes):



DOC101811.pdf

Rule 1.101: Rule Committee's recommendation is this proposed rule change be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule be adopted.

Rule 3.103-3: Rule Committee's recommendation is this proposed rule change not be adopted. Unanimous vote by State Council in favor of recommendation of Rules Committee and this rule not be adopted.

Rule 3.105: Rule Committee's recommendation is this proposed rule change be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule be adopted.

Rule 3.107 (a) (1): Rule Committee's recommendation is this proposed rule change be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule be adopted.

Rule 3.107 (a) (2): Rule Committee's recommendation is this proposed rule change not be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule not be adopted.

Rule 3.107 (a) (3): Rule Committee's recommendation is this proposed rule change not be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule not be adopted.

Rule 3.107 (a) (5) (6): Rule Committee's recommendation is this proposed rule change not be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule not be adopted.

Rule 3.107 (a) (9): Rule Committee's recommendation is this proposed rule change be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule be adopted.

Rule 3.107 (a) (11): Rule Committee's recommendation is this proposed rule change be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule be adopted.

Rule 3.107 (c): Rule Committee's recommendation is this proposed rule change not be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule not be adopted.

Rule 4.111: Rule Committee's recommendation is this proposed rule change be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule be adopted.

4.112: Rule Committee's recommendation is this proposed rule be adopted. Unanimous vote by State Counsel in favor of the recommendation of the rules Committee and this rule change be adopted.

Article VII – Section 3: Rules Committee's recommendation is this proposed rule be adopted. Unanimous vote by State Counsel in favor of the recommendation of the Rules Committee and this rule be adopted.

REVIEW APRIL 2011 ICAOS/ICOTS COMPLIANCE AUDIT by National Office

March and April of 2011 SD was audited for compliance and of the 21 audit standards, SD had 14 that were 100% in compliance. Nancy provided the Council with a verbal overview of the audit report previously provided to South Dakota by ICAOS Executive Director, Harry Hageman. Only states that are significantly out of compliance are scheduled for another audit, SD is not one of those states.

NEW BUSINESS

No new business.

GENERAL DISCUSSION

General discussion included comments that South Dakota is doing well with matters related to ICAOS rules and ICOTS usage. There are no issues of relevance at this time.

MEETING ADJOURNED

Motion made by Judge Barnett to adjourn the meeting, seconded by Krista Heeren-Graber.

The meeting was adjourned at 12:20 PM.

Respectfully submitted by Cheryl F. Frost, Interstate Compact Coordinator for Probation.



Interstate Commission for Adult Offender Supervision

... Ensuring public safety for the 21st century

Date: March 1, 2011

To: Commissioners, Compact Administrators, Deputy Compact Administrators and *ex officio* members

From: William Rankin, Chair
ICAOS Rules Committee

Re: 2011 Proposals to Create/Amend ICAOS Rules

Pursuant to ICAOS Rule 2.109, the Rules Committee has reviewed the draft proposals received from standing and regional committees for action at the 2011 Annual Business Meeting. These proposals are now posted on the ICAOS website for your review and comment.

Please review these proposals and discuss them within your offices, at state council meetings and in your ICAOS regional meetings. Comments may be posted to the Discussion Group Forum until 5:00 PM Eastern, Friday, July 1, 2011. Your comments provide valuable guidance to the Rules Committee and other commissioners.

Thank you.

cc. Milt Gilliam, Chair, Interstate Commission for Adult Offender Supervision
Harry Hageman, Executive Director
Rick Masters, General Counsel

Interstate Commission for
Adult Offender Supervision

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2011-RULES-BylawArtVIIISec4

Proposal to Amend ICAOS Bylaws, ARTICLE VII, COMMITTEES, and to create:

Section 4. Ad hoc Committees

The Commission may establish *ad hoc* committees to perform special purposes or functions. An *ad hoc* committee may be formed at the direction of the chairperson of the Commission or upon a majority vote of the Commission, or by a majority vote of the Executive Committee acting on behalf of the Commission.

The *ad hoc* committee members shall be appointed by the chairperson of the Commission and may include any commissioner or *ex officio* member of the Commission. In addition, the chairperson of the Commission may appoint such non-members as the chair determines to be appropriate, however, the majority of committee members shall be commissioners.

Upon creation of an *ad hoc* committee, the chairperson of the Commission shall issue a charge to the committee, describing the committee's duties and responsibilities. The charge shall specify the date by which the *ad hoc* committee shall complete its business and shall specify the means by which the *ad hoc* committee shall report its activities to the Commission.

Justification:

The new section will clarify the authority and procedural requirements for creating *ad hoc* committees, and require a defined purpose and time frame for the *ad hoc* committee to perform its duties. Without these requirements, *ad hoc* committees may be unable to identify exactly what they are expected to accomplish or when it has occurred.

Rules Committee Analysis:

The proposal does not appear to conflict with any existing rules or advisory opinions. No revisions to ICOTS necessary.

2011-RULES-1.101Resident

Proposal to create/amend rules:

Rule 1.101 Definitions...

“Resident” means a person who—

- (1) has continuously inhabited a state for at least one year prior to the commission of the offense for which the offender is under supervision; and
- (2) intends that such state shall be the person’s principal place of residence; and
- (3) has not, unless incarcerated or on active military deployment, remained in another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.

Justification

Military personnel are frequently deployed away from their home states. In these cases, location is not a voluntary decision. When these personnel are convicted of crimes in the states where they are deployed, and become subject to supervision by civil authorities, they may be discharged by the military service. However, if an offender has been away from his or her home state more than six months, the offender may no longer meet the criteria for “resident” of that state. This modification establishes that presence in a state while on military deployment will not be considered “remain[ing] in another state” under section (3) and will not, in itself, disqualify an offender from claiming residence in his or her home state.

Rule Committee Analysis

The proposal does not appear to create a conflict with any other rules or advisory opinions. No revisions to ICOTS necessary.

2011-RULES-1.101 Violent Crime

Proposal to create/amend rules:

Rule 1.101 Definitions...

"Violent Crime" means any crime involving the unlawful exertion of physical force with the intent to cause injury or physical harm to a person; or an offense in which a person has incurred direct or threatened physical or psychological harm as defined by the criminal code of the state in which the crime occurred; or the use of a deadly weapon in the commission of a crime against a person; or any sex offense requiring registration.

Justification:

Applying the logic of Advisory Opinion 1-2011, current language would seem to require offenses such as hunting violations involving firearms or other deadly weapons to be considered "violent crimes". (See Advisory Opinion 1-2011.) This proposal clarifies the intent of the violent crime definition. The proposed language limits the scope of this part of the rule to include only those offenses where a deadly weapon was used in the commission of a crime against a person. This qualifier also makes the rule internally consistent.

Rules Committee Analysis

The proposal does not appear to create a conflict with any other rules. The proposal makes clear that the logic of Advisory Opinion 1-2011 is not applicable to this definition. No revisions to ICOTS are necessary.

I have included Advisory
Opinion 1-2011 to the end
of this document.

A handwritten signature in black ink, consisting of a stylized 'E' followed by a large loop and a horizontal line extending to the right.

2011-RULES-1.101ViolentOffender

Proposal to create/amend rules:

Rule 1.101 Definitions...

"Violent Offender" means an offender under supervision for a violent crime committed in the sending state.

Justification:

The addition of "committed in the sending state" helps to clarify that the sending state statute determines whether an offender seeking transfer under the compact is under supervision for a violent crime.

Rules Committee Analysis

The proposal does not appear to conflict with any existing rules or advisory opinions. No modifications to ICOTS necessary.

Proposal to create/amend rules:

Rule 3.101-3 Transfer of supervision of sex offenders

...

Section 3.101-3(c) is repealed and recreated, and creating 3.101-3 (d) and (e):

- (c) The receiving state shall issue reporting instructions to sex offenders living in the receiving state at the time of sentencing per Rule 3.103, if the offender:
- (1) meets the compact definition of resident of the receiving state supported by documentation provided by the sending state at the time of the request, ~~AND and~~
 - (2) ~~is on supervision for a term of probation that was not preceded by a continuous period of incarceration immediately prior to the effective date of the probation term.~~
- (d) ~~In these instances,~~ If the offender qualifies for reporting instructions under (c), the receiving state shall conduct an investigation of the proposed residence within 5 business days following receipt of the sending state's request for reporting instructions to ensure compliance with state laws and/or policies.
- (1) If the results of the investigation indicate that the proposed residence is not suitable for a sex offender or invalid due to state laws and/or policies, the receiving state's field staff will assist the offender in establishing an alternative residence or an approved temporary living arrangement until an acceptable permanent residence can be secured.
 - (2) If the proposed residence is deemed appropriate for a sex offender, the offender shall be permitted to remain at that address pending the investigation of the transfer request.
- (e) Upon receipt of a request for reporting instructions from the ~~receiving~~ sending state for a sex offender who was living in the receiving state at the time of sentencing that ~~does not~~ does not meet the ICAOS definition of resident or who was incarcerated for a continuous period of time prior to being placed on probation, the receiving state shall have 5 business days to investigate the proposed residence. If the proposed residence is invalid due to existing law or policy, the receiving state may deny reporting instructions. No travel permit shall be granted by the sending state until approved reporting instructions are issued by the receiving state.

Justification

Sending states' officers often find themselves scrambling to find temporary housing for sex offenders who were living in the receiving state at the time of sentencing pending the results of the 5 day preliminary investigation being conducted in the receiving state. These offenders are often employed in the receiving state and need to return to work or face possible termination.

The situation for the offender worsens in cases where the current residence in the receiving state is found to be unsuitable and they are forced to remain in the sending state for much longer while attempting to secure an alternative address in the receiving state. Often the only options available in the sending state are shelters that, in many instances, do not take sex offenders, or hotels where families frequently stay with children. Causing the offender to lose their employment only exacerbates the issue since they will need money to relocate or find a second residence in addition to the cost of the residence where the offender's family may be residing.

It seems more logical that, if an offender is a resident of the receiving state by definition of the compact and all of their recourses are there, the offender should be permitted to return to the sending state per rule 3.103 and be placed by the receiving state officer in a shelter or other temporary type of housing if, after their 5 day preliminary investigation, it is determined that the home is unsuitable. This change in language allows the offender to return to their state of residence and places the responsibility of finding an appropriate residence on the officers in the receiving state who know their area, its resources and laws. This would allow the offender to continue with their employment and other obligations in the receiving state while an appropriate home plan is developed.

Rules Committee Analysis

This proposal does not appear to directly conflict with any existing rules or previous advisory opinions. The Rules Committee changed the format of the original proposal and revised some of the language, without affecting the meaning or intent proposal.

2011-RULES-3.105

Rule 3.105 Pre-release transfer R-request for transfer of a paroling offender

(a) A sending state ~~shall~~ may submit a completed request for transfer of supervision ~~no earlier than 120 days prior to an offender's planned release from a correctional facility a paroling offender to a receiving state no earlier than 120 days prior to the offender's planned prison release date.~~

(b) ~~If a pre-release transfer request has been submitted, a~~ A sending state shall notify a receiving state

(1) ~~if the planned release date changes; of the offender's date of release from prison~~
or

(2) if recommendation for ~~release parole~~ of the offender has been withdrawn or denied.

(c)

(1) ~~A receiving state may withdraw its acceptance of the transfer request if the offender does not report to the receiving state by the fifth calendar day following the offender's intended date of departure from the sending state.~~

(2) ~~A receiving state that withdraws its acceptance under Rule 3.105 (c) (1) shall immediately notify the sending state.~~

(3) ~~Following withdrawal of the receiving state's acceptance, a sending state must resubmit a request for transfer of supervision of a paroling offender in the same manner as required in Rule 3.105 (a).~~

Justification

The proposed revision clarifies the intent and scope of the rule, consistent with ICAOS Advisory Opinion 1-2009. A state may submit a request to transfer an offender incarcerated in a correctional facility, whether it be a prison, jail, halfway house, workhouse, or some other custodial facility, prior to the offender's release. Public safety is served best when a transfer investigation can be completed prior to an offender's release to supervision. Further, the compact language addresses "supervision" without exclusive reference to "parole", which is not defined in the rules. While that term might once have included anyone subject to supervision following a period of incarceration, it is no longer the case.

Section (c) is repealed as it is unnecessary.

Rules Committee Analysis

The proposal does not appear to conflict with any existing rules or advisory opinions. No revisions to ICOTS necessary.

2011-SOUTH-3.107

Proposal to create/amend rules:

Rule 3.107 Transfer Request

- (a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—
- (1) transfer request form information entered into electronic information system;
 - (2) A narrative description of the instant offense in sufficient detail to describe the circumstances, type and severity of offense, who committed the offense, where and when the offense was committed, how the offense was committed, and whether the charge has been reduced at the time of imposition of sentence;
 - (3) specific offense at conviction and sending state statute number;
 - (4) photograph of offender;
 - (5) order of supervision with standard and special conditions of supervision within thirty (30) calendar days of the offender's arrival in the receiving state, if not available at the time the transfer request is submitted;
 - ~~(6) conditions of supervision;~~
 - (6) any orders restricting the offender's contact with victims or any other person;
 - (7) any known orders protecting the offender from contact with any other person;
 - (8) information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
 - (9) information as to whether the offender has a known gang affiliation, and the gang with which the offender is known to be affiliated;
 - (10) pre-sentence investigation report unless distribution is prohibited by law or it does not exist.
 - (11) supervision history; unless it does not exist, if the offender has been on supervision for more than thirty (30) calendar days at the time the transfer request is submitted;
 - (12) information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.
- (b) The original signed Offender Application for Interstate Compact Transfer shall be maintained in the sending state. A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.
- (c) ~~Additional documents, necessary for supervision in the receiving state, such as the Judgment and Commitment, and any other information~~ may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents within no more than 30 calendar days from the date of the request, unless distribution is prohibited by law or a document does not exist.

Justification:

(a) (1): The electronic information system does not utilize forms. The word "form" should be deleted to avoid confusion.

(a) (2): This language is very specific as to what information should be included in the narrative description of the offense.

(a) (3): The statute under which the offender was sentenced in the sending state will assist the officer in the receiving state in determining the comparable receiving state statute and classification of the offender in the receiving state. Currently, the rule only requires that the sending state indicate whether the charge was reduced at the time of imposition of sentence. There is no field in ICOTS that requires or captures the specific offense at conviction, only broad NCIC categories of offenses.

(a) (5): The order of supervision specifying both standard and special conditions of supervision is needed to indicate the offense for which the offender was ultimately convicted, as opposed to what the offender was charged with at the time of arrest. There is also no field in ICOTS that requires or captures standard conditions of supervision. Inclusion of the order of supervision will serve as back up documentation of the special conditions imposed by the sending state. The rule will allow for transmission of the supervision order within thirty (30) days of acceptance if it is not available at the time the transfer request is submitted.

(a) (9): Information related to offenders' known gang affiliations provides useful information to probation officers and other law enforcement agencies tracking the interstate movement of gang members. This information will also enhance the safety of the investigating officer in the receiving state.

(a) (11): Setting a specific time frame to require supervision history provides clear guidance as to when this information is required.

(c): There is no need to give an example of additional documents that might be requested.

Rules Committee Analysis

The proposal does not appear to conflict with any existing rules or advisory opinions. The proposal will require additional information to be provided by sending states. While the proposal may be implemented without modification to ICOTS, it is likely the information would not be transmitted consistently without significant changes to ICOTS.

Since each of the individual changes is independent of the others, each will require a separate vote.

Rule 4.111 Return to the sending state

- (a) Upon an offender's request to return to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state. The offender shall remain in the receiving state until receipt of reporting instructions.
- (b) Except as provided in subsection (c), the sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request for reporting instructions from the receiving state.
- (c) In a victim sensitive case, the sending state shall not provide reporting instructions until the provisions of Rule 3.108-1 ~~(b)(1)(c)~~ have been followed.
- (d) A receiving state shall notify the sending state as required in Rule 4.105 (a).

Justification:

The purpose of this proposal is to distinguish between the victim's right to be heard under Rule 3.108-1 (a) and victim notification required under Rule 3.108 during the process of an offender returning to the sending state where the victim resides. The proposal leaves intact the victim's right to be heard. Reporting instructions shall not be provided until the victim has been notified.

Rules Committee Analysis

The proposal does not appear to conflict with any existing rules or advisory opinions. No changes to ICOTS are necessary.

2011-SOUTH-4.112

Proposal to create/amend rules:

Rule 4.112 Closing of supervision by the receiving state

(a) The receiving state may close its supervision of an offender and cease supervision upon-

- (1) The date of discharge indicated for the offender at the time of application for supervision unless informed of an earlier or later date by the sending state;
- (2) Notification to the sending state of the absconding of the offender from supervision in the receiving state;
- (3) Notification to the sending state that the offender has been sentenced to incarceration for 180 days or longer, including judgment and sentencing documents and information about the offender's location;
- (4) Notification of death; or
- (5) Return to sending state.

(b) A receiving state shall not terminate its supervision of an offender while the sending state is in the process of retaking the offender under Rule 5.101.

(c) At the time a receiving state closes supervision, a case closure notice shall be provided to the sending state which shall include last known address and employment.


(d) The sending state shall submit the case closure notice reply to the receiving state within ten (10) business days of receipt.

Justification:

With the implementation of ICOTS, states are now required to submit a case closure notice indicating validation or invalidation of a case closure by the receiving state to ensure that all parties are aware of and in agreement with closure of a case. There is not currently any provision in the Compact rules for this process or a time frame for submission of the reply. Timely closure of cases is essential to removing inactive cases from the public ICOTS portal.

Rules Committee Analysis

The proposal does not appear to conflict with any current rules or advisory opinions. This would require modification to ICOTS to implement the tracking of the time frame.

 Interstate Commission for Adult Offender Supervision	Opinion Number 1-2011	Page Number: 1
<p align="center">ICAOS Advisory Opinion Issued by: Harry Hageman, Executive Director Richard L. Masters, Chief Legal Counsel</p>		
State Requesting Opinion: Washington	Dated: January 21, 2011	
Description: Whether ICAOS Rule 2.105 applies to hunting violations which involve the use of a firearm as it relates to the transfer and supervision of misdemeanants?		

Background & History:

Pursuant to Commission Rule 6.101(c) the State of Washington has requested an advisory opinion regarding the requirements of the Compact and ICAOS Rules on the following issue:

Issue:

Whether ICAOS Rule 2.105 applies to misdemeanor violations pertaining to hunting which involve the use of a firearm and whether offenders convicted and sentenced to supervision for such violations are thus subject to transfer under the compact

Applicable Rules:


Rule 2.105 provides:

Rule 2.105 "Misdemeanants"

- (a) "A misdemeanor offender whose sentence includes one year or more of supervision shall be eligible for transfer provided that all other criteria for transfer, as specified in Rule 3.101, have been satisfied; and the instant offense includes one or more of the following-- . . . (2) an offense involves the use or possession of a firearm."

Analysis and Conclusion:

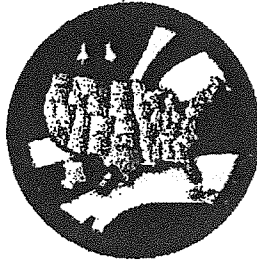
The literal text of Rule 2.105 (a) (2) specifies, without qualification, that an offender whose misdemeanor offense involves the use or possession of a firearm and whose sentence includes one year or more of supervision is eligible for transfer of supervision under the compact. While Washington questions whether offenders convicted of hunting

	Interstate Commission for Adult Offender Supervision	Opinion Number 1-2011	Page Number: 2
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violations pose a threat to community safety, since the express provisions of ICAOS Rule 2.105 (a) (2) are unambiguous and not contrary to the purposes of the compact this rule must be interpreted based upon its 'plain meaning' as provided in the regulation. See *Lyng v. Payne*, 476 U.S. 926 (1986); *U.S. v. Stapf*, 375 U.S. 118 (1963).

Summary:

ICAOS Rule 2.105 applies to all misdemeanor violations, including those pertaining to hunting, which involve the use of a firearm and offenders convicted and sentenced to supervision for such violations are thus subject to transfer under the compact.



**Interstate Commission for Adult Offender Supervision
Executive Committee Meeting Minutes**

8:00 am EDT

May 25, 2011

Marriott Griffin Gate Hotel, Lexington, KY

Members in Attendance:

- | | |
|-----------------------|----------------|
| 1. Milt Gilliam | Chairman, OK |
| 2. Wayne Theriault | Vice-Chair, ME |
| 3. Charlie Lauterbach | Treasurer, IA |
| 4. Kathie Winckler | TX |
| 5. Sara Andrews | OH |
| 6. Chris Norman | AL |
| 7. Mike McAlister | NH |
| 8. Dori Ege | AZ |
| 9. Ben Martinez | PA |
| 10. William Rankin | WI |
| 11. Pat Tuthill | Ex-Officio, FL |

Members not in Attendance

- | | |
|----------------|----------------|
| 1. Ed Gonzales | NM |
| 2. Ken Merz | Ex-Officio, MN |

Staff:

- | | |
|--------------------|---------------|
| 1. Harry Hageman | |
| 2. Rick Masters | Legal Counsel |
| 3. Sam Razor | |
| 4. Barno Saturday | |
| 5. Kevin Terry | |
| 6. Mindy Spring | |
| 7. Xavier Donnelly | |

Call to Order

Chairman M. Gilliam (OK) called the meeting to order at 8:08 am EDT. Ten voting members were present, establishing the quorum.

Agenda

Commissioner D. Ege (AZ) made a motion to adopt the agenda. Commissioner W. Theriault (ME) seconded. Motion passed.

Minutes

Commissioner W. Theriault (ME) made a motion to approve the minutes from April 12, 2011. Commissioner M. McAlister (NH) seconded. Motion passed.

Opening Remarks

Chairman M. Gilliam expressed his appreciation for Commissioner W. Rankin's work as the Rules Committee Chair. Commissioner W. Rankin retires on June 3, 2011.

Chairman M. Gilliam invited the Committee and Region Chairs to present any essential issues from their reports at that time.

Rules Committee: Rules Committee Chair W. Rankin informed the Committee that the Rules Committee did not have sufficient funds for the second face-to-face meeting. The Rules Committee members prefer to meet in Denver, CO instead of Lexington, KY that will cost the Commission about \$1,000 more, but will require less valuable travel time for the majority of the committee members.

Commissioner W. Rankin (WI) moved to approve the Rules Committee meeting in Denver, CO and allow sufficient funds to be transferred to the Rules Committee budget to cover the cost of this meeting. Commissioner D. Ege (AZ) seconded. Motion passed.

East Region: Commissioner B. Martinez informed the Committee that during the last East Region's meeting, the members voted to withdraw the Complete Transfer proposal.

Technology Committee: Commissioner K. Winckler presented her report in a bullet point format and inquired whether this format works better for the Committee than the Power Point format. The Committee preferred the bullet point format of the report.

DCA Liaison Committee: Commissioner W. Theriault informed the Committee that the DCA Liaison Committee met in May 2011. The agenda that originally consisted of 19 items was reduced to two items – DCA Training Institute and ABM trainings for DCAs. The rest of the items will be discussed at the upcoming meetings.

Executive Director Report

Executive Director H. Hageman presented a list of the National Office's accomplishments.

- FY2011
 - Actual expense is estimated to be \$100,000 under budget

- The reduction in actual expenses is the result of not filling a staff vacancy, reduced staff travel and additional revenue generated from ICJ.
- **FY 2012**
 - Actual expenses are estimated to be \$60,000 under budget
 - The savings is a result of the office move and lower indirect cost by CSG
 - The net surplus as of 04/01/2011 is \$627,210
- **Projects Completed**
 - Update publications to include the ICAOS Bench Book, ICAOS Rules, training materials, Commissioner Handbook, and Annual Report
 - Created a database to track incident reports and motions.
 - Introduced and completed the first annual compliance audit
 - Created a HTML version of the ICAOS rules
 - Created a Spanish version of the ICAOS rules
 - Applied for and received CLE accreditation in 14 states
 - Provided technical training assistance to six states
 - Organized and hosted first DCA training institute
 - Received two DOJ funded consulting engagements (SEARCH)
 - Negotiated a one year hosting and maintenance contract with Appriss at current cost
 - Completed a technical review of ICOTS with the assistance of SEARCH
 - Transitioned helpdesk from Appriss to ICAOS
 - Released five updates to ICOTS
 - Increased the number of ICOTS external reports from 15 to 20
 - Initiated a pilot data exchange with the NY Fusion Center

Old Business

ICAOS Charging Interest on Default Annual Dues: Legal Counsel R. Masters stated that he needs a rule or an administrative policy in effect to have enforcement actions at court to demand the interest on default annual dues.

Commissioner W. Theriault (ME) moved for Legal Counsel to make appropriate language changes to the Dues Administrative Policy to include interest charges for late dues payments and bring the amended policy back to the Executive Committee for review. Commissioner C. Norman (AL) seconded. Motion passed.

Legal Counselor Report: Legal Counselor R. Master presented his report to the Committee.

Commissioner K. Winckler (TX) made a motion to move to the Executive Session. Commissioner C. Norman (AL) seconded. Motion passed.

Commissioner W. Theriault (ME) made a motion to move out of the Executive Session. Commissioner K. Winckler (TX) seconded. Motion passed.

Legal Counsel R. Masters informed the Committee about D.C. district court's case concerning ICAOS and recommended to intervene before the case takes a different direction than the Commission plans to have.

Commissioner D. Ege (AZ) made a motion to approve the appropriate legal participation in D.C. case as described by Legal Counsel. Commissioner B. Martinez (PA) seconded. Motion passed.

Legal Counsel stated that the White Compact Compliance Paper was near completion.

New Business

Ad Hoc Dues Committee Report: The Committee discussed a possibility of charging offenders application fee to cover states' annual dues and retaking fees. According to the Statute, the Commission cannot directly charge individual offenders and needs to receive the application fees from states.

Executive Director H. Hageman suggested creating a survey to find out states' opinion on this matter. Chairman M. Gilliam urged the Committee members to think about the issue and continue the discussion at its next meeting.

Vacant Commissioner Positions: Commissioner M. McAlister informed the Committee that the Virgin Islands, Virginia and Hawaii did not have an appointed commissioner. Hawaii and Virginia have contacted the National Office stating that they were in the process of appointing their commissioners. The Virgin Islands vacancy is becoming problematic. The National Office has attempted to resolve the issue without success. Commissioner M. McAlister informed the Committee that all formal lower steps in resolving this issue were taken.

Commissioner M. McAlister (NH) made a motion to find the Virgin Islands in default with obligation to appoint a commissioner and to authorize Legal Counsel to send a letter to the Governor of the Virgin Islands in regards to the obligation to appoint a commissioner. Commissioner W. Rankin (WI) seconded. Motion passed unanimously.

State Compliance Audits: The Committee reviewed Compliance Audit summary by standard and category prepared by the National Office.

The Committee discussed the Compliance Audit results and its use for the next year. Executive Director H. Hageman stated that if the Committee prefers to perform a full audit next year, it would be necessary to hire an additional staff.

Commissioner M. McAlister (NH) moved for the Compliance Committee to recommend to the Executive Committee that the FY 2012 Compliance Audit focuses on those states that had the finding of 5 or more cases in category C in the prior year's audit. Commissioner W. Theriault (ME) seconded. Motion carried by vote 9 to one.

Commissioner W. Rankin urged the committee to conduct full audit for a second year.

The Committee decided to give an option for pilot states to have their audit redone. Wisconsin as a pilot state, expressed its desire to have its audit redone.

Incident Reports: The Committee discussed GA incident reports submitted by PA, CT and AZ.

Commissioner M. McAlister (NH) made a motion to find Georgia in default and authorize Legal Counsel to send a letter that any additional violations similar to those reported by AZ, CT and PA will result in legal action and to require GA to submit a detailed corrective action plan within 60 days, to be approved by the Compliance Committee. Commissioner B. Martinez (PA) seconded. Motion passed unanimously.

The Committee discussed CA incident reports submitted by OK.

Commissioner M. McAlister (NH) made a motion to find California in default and authorize Legal Counsel to send California a letter warning them that any additional violations similar to those reported by Oklahoma will result in legal action and to require California to submit a detailed corrective action plan within 60 days, to be approved by the Compliance Committee. Commissioner C. Norman (AL) seconded. Motion passed unanimously.

Ad Hoc on Risk Assessment Report: Commissioner S. Andrews stated that the Ad Hoc Committee met on April 19, 2011 to discuss risk assessment tools and processes used in their state. It decided to send a survey to gather additional information about risk assessment tools used in other member states.

The Executive Committee approved a face-to-face meeting for the Ad Hoc on Risk Assessment Committee.

ABM 2011 Agenda: After discussion, the Committee made changes to the agenda for the upcoming Annual Business Meeting in Montgomery, AL.

Legal Counsel R. Masters informed the Committee that R. Maccarone would probably bring up the Complete Transfer proposal during the New Business.

ABM 2012 Site Selection: Assistant Director S. Razor stated that the National Office visited Madison, WI that was previously chosen by the Executive Committee as the preferred location for the ABM 2012 and concluded that Madison would accommodate Commission's needs.

Commissioner W. Rankin (WI) made a motion to choose Madison, Wisconsin as 2012 Annual Business Meeting location. Commissioner K. Winckler (TX) seconded. Motion passed unanimously.

FY 2013 Budget Recommendation: The Committee reviewed proposed FY2013 budget. Commissioner W. Rankin requested to change the Rules Committee budget from \$7,500 to \$15,000 in FY2012 and \$20,000 in FY2013.

The Committee decided to move \$2,500 from the Technology and \$2,500 from the DCA Liaison Committees to the Rules Committee budget for FY2012.

The Committee discussed the indirect cost paid to CSG and the benefit of being an affiliate of CSG.

Commissioner W. Rankin (WI) made a motion to recommend FY2013 budget as amended to the full Commission at the 2011 Annual Business Meeting. Commissioner W. Theriault (ME) seconded. Motion passed unanimously.

Personnel: The Committee decided to enter the Executive Session to discuss personnel matter.

Commissioner K. Winckler (TX) made a motion to move to the Executive Session for the discussion of personnel matters. Commissioner D. Ege (AZ) seconded. Motion passed.

Commissioner M. McAlister (NH) made a motion to move out of the Executive Session. Commissioner W. Theriault (ME) seconded. Motion passed.

Commissioner K. Winckler (TX) made a motion to provide all National Office staff with 2.5% cost of living pay adjustment. Commissioner W. Rankin (WI) seconded. Motion passed with one opposed vote.

Planning Session

The Committee discussed its plans for the upcoming years. The Committee decided to make more efforts to reach for new commissioners and involve them in the Commission's operation.

The Committee reviewed commissioners' attendance of the region and committee meetings.

The Committee decided to have commissioners signed up for a committee of their choice during the ABM 2011 website registration.

Commissioner W. Theriault suggested looking into joint ICAOS and ICJ work in the next five years.

Executive Director H. Hageman suggested comprehensive review of Bylaws.

The Committee reviewed the National Office goals for the upcoming years.

Adjourn

Commissioner W. Theriault (ME) moved to adjourn. Commissioner M. McAlister (NH) seconded. Motion passed. The meeting adjourned at 5:09 pm EDT.